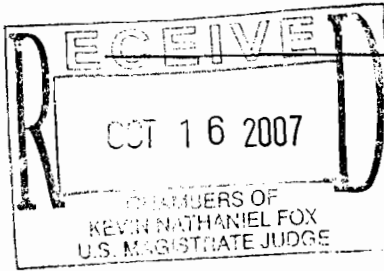




United States Attorney  
Southern District of New York



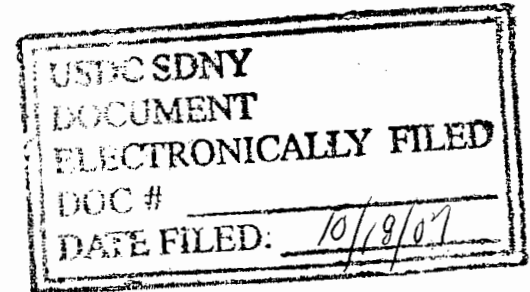
The Silvio J. Molloy Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 16, 2007

**MEMO ENDORSED**

BY FACSIMILE

The Honorable Kevin N. Fox  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 540  
New York, New York 10007



Re: United States v. Louis Lowell McGuinn, 07 Cr. 471

Dear Judge Fox:

An information was filed against the above-referenced defendant on May 29, 2007, and both parties appeared before Your Honor on June 19, 2007. On June 19, 2007, defense stated that it wished to challenge the constitutionality of the statute under which the Defendant has been charged, and a motion schedule was set by Your Honor. Defendant's motion and the Government's response was fully submitted on August 23, 2007. Pursuant to 18 U.S.C. § 3161(h)(1)(J), time was automatically excluded through September 23, 2007, while the motion was under advisement by the Court. To date, there have been a total of 44 days expended on the Speedy Trial Clock.

The Government respectfully requests a conference before Your Honor to briefly discuss the schedule for this case going forward. The Government understands that the Court may be available the afternoon of Monday, October 29<sup>th</sup> for such a conference, which would be amenable to the Government. The Government also respectfully requests to exclude time under the Speedy Trial Act under 18 U.S.C. § 3161(h)(8)(A) from the date of this letter until that conference to allow parties to continue discussing a possible resolution in this case, and because of the unusual

10/18/07  
The time between the filing of a pretrial motion and its disposition is excluded from the Speedy Trial Act calculation. See 18 U.S.C. § 3161(h)(1)(F). In this case, the excluded period appears to be August 3, 2007, through October 17, 2007. A status conference shall be held with the parties on October 24, 2007, at 12:00 p.m., in courtroom 5A. The parties should be prepared to discuss, *inter alia*, a date for the trial of the action and a date for making all pretrial submissions.

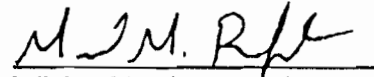
SO ORDERED:  
*Kevin Nathaniel Fox*  
KEVIN NATHANIEL FOX, U.S.M.J.

nature of this case as it relates to the constitutional challenge lodged by the defendant in his pretrial motion.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:



Michael M. Rosensaft  
Assistant U.S. Attorney  
(212) 637-2366

cc :           Xavier Donaldson, Esq.  
              Attorney for Defendant